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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 MARILYN ARMSTRONG,

7 Plaintiff,

8 v.

9 BOULDER CITY HOSPITAL, INC., a
Nevada non-profit corporation,

10 Defendant.

Case No. 2:20-cv-02273-APG-DJA

ORDER

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12 Before the Court is attorney Robert P. Spretnak's motion to withdraw as attorney for
13 Plaintiff Marilyn Armstrong and to stay discovery (ECF No. 22). Defendants filed a joinder to
14 Spretnak's motion (ECF No. 23). Spretnak requests that the Court stay discovery for 90 days while
15 Plaintiff finds new counsel. Because the Court finds that Spretnak has met the requirements for
16 withdrawing and because the Court finds that staying discovery would serve the just and
17 inexpensive determination of this action, it grants Spretnak's motion (ECF No. 22). The Court
18 finds these matters properly resolved without a hearing. LR 78-1.

19 **I. Discussion.**

20 **A. *The Court grants Spretnak's motion to withdraw as counsel.***

21 Spretnak's motion to withdraw is granted. Under Local Rule IA 11-6, if an attorney seeks
22 to withdraw after appearing in a case, the attorney must file a motion and serve it on the affected
23 client and opposing counsel. The affected client can, but is not required to, file a response to the
24 motion within 14 days. LR IA 11-6.

25 Reviewing the motion for withdrawal, Spretnak has met the requirements under Local Rule
26 IA 11-6. Spretnak asserts to have provided Plaintiff and Defendant's counsel notice of the motion
27 via mail and email. Although Spretnak does not claim to have served the documents, Spretnak
28 appears to have sent the motion to Plaintiff's mailing address, thereby serving it. Defendant has

1 raised no service objections. Finally, Plaintiff has not filed a response to Spretnak's motion. The
2 Court thus grant's Spretnak's motion to withdraw as counsel (ECF No. 22).

3 ***B. The Court grants Spretnak's motion to stay discovery.***

4 Although withdrawal of an attorney alone is not reason for delay of discovery, whether to
5 grant a stay is within the court's discretion. *See* LR IA 11-6(d); *see Munoz-Santana v. U.S. I.N.S.*,
6 742 F.2d 561, 562 (9th Cir. 1984). In evaluating the propriety of an order staying or limiting
7 discovery, this court considers the goal of Rule 1 of the Federal Rules of Civil Procedure which
8 directs that the Rules shall "be construed and administered to secure the just, speedy, and
9 inexpensive determination of every action." *Ministerio Roca Solida v. U.S. Dept. of Fish and*
10 *Wildlife*, 288 F.R.D. 500, 504 (D. Nev. Jan. 14, 2013).

11 The Court grants Spretnak's motion to stay discovery. While a stay is not automatic, the
12 Court finds that staying discovery would accomplish the goal of Rule 1 by securing the just and
13 inexpensive determination of this action. Without a stay, discovery would proceed which Plaintiff
14 may be ill-equipped to handle and which may increase the workload and raise the costs of Plaintiff's
15 new counsel if and when she retains them. Defendant has also filed a joinder to the motion to stay
16 (ECF No. 23) and has no objections. The Court thus grants Spretnak's motion to stay discovery
17 (ECF No. 22).

1 **IT IS THEREFORE ORDERED** that attorney Robert P. Spretnak's motion to withdraw
2 as counsel and to stay discovery for 90 days (ECF No. 22) is **granted**.

3 **IT IS FURTHER ORDERED** that discovery is stayed for 90 days from the date of this
4 Order.

5 **IT IS FURTHER ORDERED** that the parties shall file a stipulated discovery plan
6 and scheduling order within 14 days of either the expiration of the 90-day stay, of Plaintiff
7 retaining new counsel, or of Plaintiff appearing *pro se* in this matter, whichever is sooner.

8 **IT IS FURTHER ORDERED** that the Clerk's Office shall add Plaintiff's last known
9 address and contact information to the docket:

10 Marilyn Armstrong
11 2016 Thames View Street
12 Henderson, NV 89044
13 Marilynlb2068@gmail.com

14 **IT IS FURTHER ORDERED** that withdrawing counsel shall serve a copy of this Order
15 on Plaintiff and file a notice of service within fourteen (14) days.

16 **IT IS FURTHER ORDERED** that the Clerk's Office shall mail a copy of this Order to
17 Plaintiff at her last known address via United States Mail.

18 DATED: June 25, 2021

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21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE
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